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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/646,830	11/09/2000	Yoshifumi Yanagawa	2000_1292A	1142

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EXAMINER

BUI, KIEU OANH T

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/646,830	YANAGAWA ET AL.	
	Examiner	Art Unit	
	KIEU-OANH T. BUI	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3 and 5-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3 and 5-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3, 5-9, 19-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding all of these claims, the claim languages are so confusing to follow, based on the arguments from the applicants, the Examiner realizes that each device has its own controller and target, but within the claims, it seems that only one controller and one target is referred to; and furthermore, if there are two devices, then there should be claims stating “a first device comprises...” and “a second device comprises ...”. For example, “a device having one of said target and said controller” is vague and it does not make sense at all because the claim language is not affirmative in whether it comprises the claimed element or not. Also, there is no distinction which device is which, and which controller is performing the operation of transmission and receiving the message to the target, from where to where, and so on. In addition, if these claims are aiming for “a network control system”, where is the main controller system? It seems that all languages refer to a controller of each device within the network, and a controller of each device cannot assume the role of a host (main) computer controller system for running the operation of the network.

All claims should be revised in better forms for directly addressing which is the novelty of the claimed subject matters in a clear and effective communication manner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

4. Claims 3, and 5-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Rostoker et al. (U.S. Patent No. 5,872,784).

Regarding claims 3 and 5, in addition to the rejection 112-2nd above, Rostoker discloses “a network control system for transmitting data between devices by using plural protocols, in a network in which at least two devices for handling at least one kind of data among video data, audio data, and information data are connected through a transmission, wherein: each of the devices includes either or both of; at least one target which receives a message and performs processing according to the message and at least one controller which transmits the message and establishes a connection for data said network control system controller and said target; transmission with the target; comprises, at least, said plural protocols comprise; a first protocol which comprises message transmission for transmitting the message and message response which is a response to the message transmission, and a second protocol for data transmission onto the connection; said controller establishes, before data transmission, a connection of the second protocol to the target; when the controller receives the data from the target, said controller makes a data request by the first protocol; said target transmits the data onto the

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connection by the second protocol according to the data request; and said controller receives the data by the second protocol", i.e., a host computer 302 as a first device controls network 301 via an apparatus 300 through transmission line either a telephone line or other transmission medium and a network apparatus 300 or a data server 310 as a second device for handling data including video, audio and information data (see col. 7/line 52 to col. 8/line 39); in addition, either the host computer or the network apparatus 300 has at least one controller for transmitting a message and a target or a receiving port for receiving the message (Fig. 3 shows details of the network apparatus 300 with data bus and CPU, see col. 9/line 32 to col. 10/line 43 & Fig. 16 and col. 23/line 59 to col. 26/line 65 for network protocols processing circuits); furthermore, an ATM processing unit as an initiator in establishing a connection for data transmission between the controller and the target or receiving port (Fig. 19 and col. 26/line 33 to col. 28/line 18 shows details of an ATM or APU 500 for this purpose in interfacing with the host; Fig. 42, and col. 38/line 36 to col. 39/line 23 shows a clear view on multi-protocol processing system for LAN and WAN networks for different protocols as ATM, Ethernet, FDDI, Token Ring etc.

Furthermore, with the introduction of the data request made by the controller for the first protocol, and transmitting data on the connection by the second protocol according to the data request, with the controller establishes the connection, this process is performed by Rostoker in processes of Figures 18B, 19, 20, 24, 25, 26 for the system controller checks the transmit request from the client and response for an update and appropriate transmission protocols, and further details on network protocol circuits from col. 23/line 59 to col. 29/line 40 for dynamic switching and intelligent network interfacing methods of Rostoker).

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As for claim 6, this claim for “a network control system for transmitting data between devices by using plural protocols in a network in which at least two devices for handling at least one kind of data among video data audio data: and information data, are connected through a transmission line, wherein each of the devices comprises at least one of the following units; at least one controller which receives and transmits a message, at least one target which performs processing according to the message and includes at least one internal function control means, a consumer which receives data from the target, and an initiator which establishes a connection for data transmission between the target and the consumer; said network control system comprises, at least, said controller, said target, said consumer: and said initiator; said plural protocols comprise; a first protocol which comprises message transmission for transmitting the message and message response which is a response to the message transmission and a second protocol for data transmission onto the connection; and when said internal function control means performs said data connection, a connection management means in the target connects the output of the internal function control means to the connection of the second protocol, according to a request of the internal function control means” with same limitations as addressed earlier with the introduction of “a consumer which receives data from the target” is rejected for the reasons given in the scope of claim 1, with the consumer can be any receiving device and/or at the client’s location (as illustrated in Rostoker, Fig. 1), and for the last limitation regarding internal function control means and connection management means (see Rostoker, Fig. 42, and col. 38/line 36 to col. 39/line 22).

As for claim 7, this claim is a combination of claim 5 and 6, and it is rejected for the reasons given in the scope of claims 5 and 6 as discussed above.

As for claim 8, this claim is similar to claims 5-6 above with the introduction of “said controller transmits an identifier indicating the destination in the consumer, to the target, using the first protocol; and said target transmits the data including the identifier which indicates the destination and is received by the first protocol, onto the connection, using the second protocol” is also being disclosed by Rostoker by using packet IDs, headers, pointers, memory for storing pointers and a Direct Memory Access (DMA) for fast addressing the correct destinations or ports in the consumer, to the target, using multi protocol processing techniques including congestion control technique (see Figs. 29, 30, 31, 32, 33, 42, and col. 25/line 22 to col. 26/line 65; and col. 27/line 35 to col. 28/line 59 for memory addressing and congestion control algorithms).

As for claim 9, this claim is similar to claims 5-6 above with the introduction of “said controller transmits the message by the first protocol to a plug through which data is input and output to/from a desired internal function control means; and said target executes the process specified by the message directed to the plug” is also disclosed by Rostoker, i.e., the ports of Rostoker can be regarded as the plug here for which data is input and output to/from a desired internal function control means, and the receiving device or the target executes the process specified by the message directed to the plug (Figs. 16, 29-33, and col. 31/line 35 to col. 34/line 52 for multi-ports and the multi-protocol processing as addressed above).

As for claim 10, in view of claim 9, Rostoker discloses “wherein said message includes a message for confirming the data transmission by the second protocol” (col. 2/lines 6-34 for acknowledgment messages in the routing and control procedures).

As for claim 11, in view of claim 9, Rostoker discloses “wherein the data transmitted by the second protocol includes version information, and the version of the data is managed by using the version information” (col. 2/lines 6-34 for information related to identities of source, destination, and protocols, and col. 4/lines 39-65 for version information as ATM protocol or MPEG protocol for received signals).

As for claim 12, in view of claim 9, Rostoker shows “wherein the data transmitted by the second protocol is information about a graphical user interface which forces the controller to make a notification to the user” (col. 7/lines 22-50 for software for enhancing visual on graphical user interfaces addressed).

As for claims 13-18, in view of claim 9, Rostoker further shows these claims for “wherein the data transmitted by the second protocol includes attribute information of the data”; “wherein the attribute information includes an identifier size information, and a data section”; “wherein the data transmitted by the second protocol is based on an object as a unit”; “wherein said object has the same structure as attribute information of the data transmitted by the second protocol”; “wherein said object has an identifier, size information and a data section”; “wherein said object has attribute information in the data section” (Figs. 18B, 19, 23A-D, 24, 25, 26, 28-33 & 42 for attributes and attribute information including identifiers as in Figs. 7-9 for packet headers and other codes for streams either for transmission or reception, and size information as described in col. 16/line 40 to col. 18/line 53 for video and audio streams with identifiers as headers, data section and information).

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Regarding claims 19-25, these claims with a controller for use within the cited network control system of claims 1-18 are rejected for the reasons given in the scope of claims 1-18 as discussed in details above.

Regarding claims 26-32 and 33, these claims with a target and a consumer for use within the cited network control system of claims 1-18 are rejected for the reasons given in the scope of claims 1-18 as discussed in details above.

Response to Arguments

5. Applicant's arguments filed on 4/18/05 have been fully considered but they are not persuasive.

In addition to the rejection 112-2nd as noted above, if the applicants simply refer to the only figure 1 of Rostoker in interpreting the entire picture of Rostoker's invention, it would lead to incorrect assumption and statement like "the network device 300 clearly does not correspond to a controller or a target of the present invention" (page 25, 2nd paragraph). Applicants would take a closer look to Figure 3 and 5, where Fig. 3 is a detailed view of box 300 of Figure 1, and Fig. 5 also refer to a detailed view of Figure 3 for audio decoder and video decoder with further target components of 306 for DVD, CD player or hard disk or cable interface. CPU of Figure 3 regards as a controller of device 300 and DVD, CD player 306 of Figure 5 regard as target of the device 300. Simple technique of establishing connections between controllers and their targets or other targets are known in the art for many years, and as clearly taught by Figs. 1, 3, 5 and col. 9/line 47 to col. 11/line 10, and col. 14/lines 47-53 for corresponding details on the CPU and communications link using instruction bus, PCI bus and/or data bus between the CPU to other components such as target components of DVD, CD player within the device.

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Therefore, the Examiner respectfully disagrees with the applicants' arguments and stands with the disclosure and teaching of Rostoker as disclosed and discussed in this final office action.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Alexandria, VA 22313-1451

or faxed to:

(571) 273-8300

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kieu-Oanh Bui
Primary Examiner
Art Unit 2611

KB
August 01, 2005